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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,459	10/18/1999	DENNIS G. PRIDDY	11104.2	2836
7590	09/19/2006		EXAMINER	
ORRICK HERRINGTON & SUTCLIFFE LLP			NGUYEN, LUONG TRUNG	
666 FIFTH AVENUE			ART UNIT	PAPER NUMBER
NEW YORK, NY 101030001			2622	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/420,459	PRIDDY, DENNIS G.	
	<b>Examiner</b>	<b>Art Unit</b>	
	LUONG T. NGUYEN	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 March 2006 and 26 June 2006.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 and 23-39 is/are pending in the application.

4a) Of the above claim(s) 9-13,25,26 and 30-35 is/are withdrawn from consideration.

5) Claim(s) 1-8,14,23,24,27,28 and 37-39 is/are allowed.

6) Claim(s) 15,16 and 36 is/are rejected.

7) Claim(s) 29 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

1. Applicant's election without traverse of Group I, claims 1-8, 14-16, 23-24, 27-29, 36-39 in the reply filed on 6/26/2006 is acknowledged.

2. Claims 9-13, 25-26, 30-35 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/26/2006.

Note that since amended claim 26 is directed to communication node and depends on claim 25, which is dependent on withdrawal claim 9, the Examiner agrees with the Applicant that claim 26 is a part of the non-elected invention; therefore, claim 26 is also withdrawn from further consideration.

### *Response to Arguments*

3. Applicant's arguments filed on 3/20/2006 have been fully considered but they are not persuasive.

In re page 17, Applicant argues that the single integrated circuit of the present invention as defined in claim 15 is not, in and of itself, a "small handheld device," but rather is a unique integrated semiconductor circuit (or chip) that must reside within a separate host handheld device. And Hsu does not teach or suggest the presence of a secure personal [financial] information database in a single integrated circuit as required by claim 15.

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In response, it is noted that the features “the single integrated circuit is a unique integrated semiconductor circuit (or chip) that must resides within a separate host handheld device” and “a secure personal (financial) information database” are not recited in claim 15. Instead, the applicant recites limitation “a portable wireless communication device comprising a multi-function integrated semiconductor device having integrated in a single integrated circuit a personal database secure to all but a specified user.” The Examiner considers claim 15 as recited still does not distinguish from Hsu. Hsu discloses the cellular phone 14’ (figures 1A, paragraphs [0018], [0020], [0021]) which reads on “a portable wireless communications device”. Hsu, further discloses that a reference fingerprint image stored in the cellular phone 14’. This means that the cellular phone 14’ inherently included an integrated circuit such as a memory board to store fingerprint image. This reads on “a secure personal database in a single integrated circuit.”

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 15-16, 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu (EP 0924657).

Regarding claim 15, Hsu discloses a portable wireless communications device (cellular phone 14’, figure 1A, paragraphs [0018], [0020], [0021]) comprising a multi-function integrated

semiconductor device having integrated in a single integrated circuit (inherently included in cellular phone 14') a personal database secure to all but a specified user (a reference fingerprint image stored in the device 14'; note that when the user places a finger over the senor 16 and actuates a switch, the person's fingerprint is scanned and compared with a reference fingerprint image stored in the device 14'. If there is a match, the device 14' transmits a confirming message to the door 10, and the door 10 is opened, figure 1A, paragraphs [0020], [0021]); a sensor responsive to a biometric attribute (biometric sensor 16, figure 1A, paragraph [0018]), and a processor (processor module 20, figure 2, paragraphs [0020] - [0023]) responsive to said biometric sensor and said secure personal database for verifying a sensed biometric attribute sent by said biometric sensor, and granting access to said personal database on biometric verification (when the user places a finger over the senor 16 and actuates a switch, the person's fingerprint is scanned and compared with a reference fingerprint image stored in the device 14'. If there is a match, the device 14' transmits a confirming message to the door 10, and the door 10 is opened, figure 1A, paragraphs [0020], [0021]).

Regarding claim 16, Hsu discloses means for transmitting (cellular phone 14' includes a transmitter to communicate with communication network 17, figure 1A, paragraphs [0005], [0019]) to a remote location a copy of said sensed biometric attribute in response to a failure to verify said biometric attribute.

Regarding claim 36, Hsu discloses means for transmitting (cellular phone 14' includes a transmitter to communicate with communication network 17, figure 1A, paragraphs [0005],

[0019]) to a remote location said biometric attribute identification indicia in response to a failure to verify said biometric attribute.

***Allowable Subject Matter***

6. Claims 1, 3-8, 14, 23-24, 27-28, 37-39 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1, 2-8, 14, 23-24, 27-28, 37, see Examiner's statement of reasons for allowance as indicated in Paper mailed on 12/14/2005.

Regarding claim 38, the prior art of the record fails to show or fairly suggest a multi-function integrated semiconductor device comprising a single integrated circuit containing an automatic identification circuit within the real-time image processing circuit, responsive to a captured image, and further responsive to said captured digitized image to identify a non-biometric identification indicia coded within the digitized image, in combination with other claim elements.

Claim 39 is allowable for the reasons given in claim 38.

7. Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN LN  
09/17/06



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SUPERVISORY PATENT EXAMINER